UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P O Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,913	03/25/2004	Alec Brusilovsky	LUC-480/Brusilovsky 6-7-2	8063

32205   7590   06/22/2009
Carmen Patti Group , LLC
ONE NORTH LASALLE STREET
44TH FLOOR
CHICAGO, IL 60602

EXAMINER
ROSE, KERRI M

ART UNIT	PAPER NUMBER
2416	

MAIL DATE	DELIVERY MODE
06/22/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 February 2009</u>.

2a)☐ This action is **FINAL**.　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some *　c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Finality of the previous action, mailed 11/25/2008, is withdrawn.

2.   Applicant's arguments, see page 4, filed 02/25/2009, with respect to the rejection(s) of

claim(s) 1, 4, 8, 9, 13-15, 19, and 20 under 103 have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn. However, upon further consideration, a new

ground(s) of rejection is made in view of new reference Lamb et al. (US 6,747,970).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 1, 2, 4, 8, 9, 13-17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being

anticipated by Michael et al. (US 2004/0170263) in view of Sun et al. (US 2005/0190744;

previously cited) further in view of Lamb et al. (US 6,747,970).

        In regards to claim 1, Michael discloses a method for providing presence state

information comprising the steps of: receiving first messages by a presence server (figure 4

elements 402 and 408) from at least two switches in the public switched telephone network (fig.

5.116, 118 discloses a PSTN "cloud" or network. Such a network is known to comprise at least

two switches.) containing call event information for consumer premises equipment supported by

telephone lines served by the respective switches (such as telephones disclosed in fig. 1.1122a-

d), where the first messages are transmitted from the at least two switches to the presence server disposed in infrastructure of the PSTN (paragraph 34 discloses the presence server may be part of the PSNT infrastructure as opposed to the LAN infrastructure);

determining by the presence server a presence state of a PSTN subscriber associated with at least one of the telephone lines (fig 4. 412) based on the call event information where the call event information defines when the telephone line is available (fig. 2.206; paragraph 34; paragraph 36 which indicates a call can be intercepted and rerouted based upon presence information and other rules);

transmitting by the presence server a second message over the Internet using Internet protocol to a first Internet terminal equipment of a first Internet user (fig. 5.120, 122), the second message containing the presence state information associated with the at least one of the telephone lines (fig. 4.422).

Michael does not disclose where the first messages are transmitted from the at least two switches over a signaling system 7 network. Michael discloses monitoring call events such as placing a call to help determine if a telephone line is available. However, Michael is silent to determining the presence state of a subscriber based on the call event information where the call event information defines both when the telephone line is available and not available.

Sun discloses a signaling system 7 network with a service control point in paragraph 48.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a SS7 network, as taught by Sun, for the messaging taught by Michael because doing so provides a clean separation of components, as taught by Sun in paragraph 48.

Lamb discloses a server in figure 3 element 203. Within the server are agents, 301. Each agent is associated with a subscriber. Column 32 lines 20-26 disclose monitoring the status of telephone devices in the PSTN and that the monitored statuses include information such as busy signals, on-hook, and off-hook. Column 32 lines 33-37 indicates the status information may include ringing, answered, busy, off-hook, on-hook, call waiting, or another value. Column 32 lines 38-53 discloses the status information may be obtained using a variety of different methods including checking randomly, periodically, or based upon network signaling. Therefore Lamb does not necessarily wait for a telephone device to attempt a call before updating status information. Column 33 lines 23-32 further discloses that a user may manually change the status to indicate if he is available or not available for calls during a certain time.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the call server of Lamb in the calling system of Michael modified by Sun because doing so allows the system to support a wide arry of advanced calling services, as disclosed by Lamb in column 11 lines 5-15.

In regards to claim 2, Michael modified by Sun and Lamb disclose the method according to claim 1 further comprising the steps of determining a call state of the at least one of the telephone lines based on the call event information contained with each of the first messages (Lamb discloses sending messages that are used to determine the call state in col. 32 lines 33-58.), and storing in memory at least the previous call state associated with the at least one of the telephone lines (Lamb figure 5a includes information about past calls and call states in for example, call log 342, historical information 332, and availability information 338.).

In regards to claim 4, Michael discloses displaying a visual indicia corresponding to the presence state (fig. 1).

In regards to claims 8 and 9, Michael discloses sending the first message from the PSTN switch in a PSTN compatible protocol (fig. 4.408) and are transmitted on every occurrence of the one telephone line changing from one presence state to another presence state (fig. 2.206, 208).

In regards to claim 13, Michael discloses wherein the at least one telephone line is connected to a PSTN terminal that is not capable of direct Internet communications. (Michael lists the PSTN terminals in fig. 5.118. These terminals are not illustrated as being connected to the LAN/Internet network [5.102] and are further distinguished from the LAN telephones [5.120] and computers [5.122]. Therefore, Michael does not teach the PSTN terminals as capable of direct Internet communications.)

In regards to claim 14, Michael discloses a method for providing presence state information to an internet user using an Internet terminal coupled to the Internet about CPE supported by a PSTN where the CPE does not have direct internet capability comprising the steps of: receiving first messages by a presence server (figure 4 elements 402 and 408) from at least two switches in the public switched telephone network (fig. 5.116, 118 discloses a PSTN "cloud" or network. Such a network is known to comprise at least two switches.) containing call event information for consumer premises equipment supported by telephone lines served by the respective switches (such as telephones disclosed in fig. 1.1122a-d),

where the first messages are transmitted from the at least two switches to the presence server disposed in infrastructure of the PSTN (paragraph 34 discloses the presence server may be part of the PSNT infrastructure as opposed to the LAN infrastructure);

determining by the presence server a presence state of a PSTN subscriber associated with

at least one of the telephone lines (fig 4. 412) based on the call event information where the call

event information defines when the telephone line is available (fig. 2.206; paragraph 34;

paragraph 36 which indicates a call can be intercepted and rerouted based upon presence

information and other rules);

transmitting by the presence server a second message over the Internet using Internet

protocol to a first Internet terminal equipment of a first Internet user (fig. 5.120, 122), the second

message containing the presence state information associated with the at least one of the

telephone lines (fig. 4.422).

Michael does not disclose where the first messages are transmitted from the at least two

switches over a signaling system 7 network. Michael discloses monitoring call events such as

placing a call to help determine if a telephone line is available. However, Michael is silent to

determining the presence state of a subscriber based on the call event information where the call

event information defines both when the telephone line is available and not available.

Sun discloses a signaling system 7 network with a service control point in paragraph 48.

It would have been obvious to one of ordinary skill in the art at the time of the invention

to use a SS7 network, as taught by Sun, for the messaging taught by Michael because doing so

provides a clean separation of components, as taught by Sun in paragraph 48.

Lamb discloses a server in figure 3 element 203. Within the server are agents, 301. Each

agent is associated with a subscriber. Column 32 lines 20-26 disclose monitoring the status of

telephone devices in the PSTN and that the monitored statuses include information such as busy

signals, on-hook, and off-hook. Column 32 lines 33-37 indicates the status information may

include ringing, answered, busy, off-hook, on-hook, call waiting, or another value. Column 32

lines 38-53 discloses the status information may be obtained using a variety of different methods

including checking randomly, periodically, or based upon network signaling. Therefore Lamb

does not necessarily wait for a telephone device to attempt a call before updating status

information. Column 33 lines 23-32 further discloses that a user may manually change the status

to indicate if he is available or not available for calls during a certain time.

It would have been obvious to one of ordinary skill in the art at the time of the invention

to use the call server of Lamb in the calling system of Michael modified by Sun because doing so

allows the system to support a wide arry of advanced calling services, as disclosed by Lamb in

column 11 lines 5-15.

Claim 15 is rejected upon the same grounds as claim 4.

Claims 16 and 17 are rejected upon the same grounds as claims 8 and 9 respectively.

In regards to claims 19 and 20, Michael and Sun disclose receiving the first messages

comprise receiving the first messages by a service control point that is coupled to the presence

server disposed as part of the infrastructure of the PSTN (Sun paragraph 48 discloses using a

service control point), and the step of transmitting the second message comprises transmitting the

second message by the presence server on every occurrence of the one telephone line changing

from one presence state to another presence state (Michael fig. 2.206, 208).

5.   Claims 3, 5-7, 10-12, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Michael et al. (US 2004/0170263) in view of Sun et al. (US 2005/0190744; previously

cited) further in view of Lamb et al. (US 6,747,970) further in view of Tang et al. ("ConNexus to

Awarenex…" provided by applicant).

In regards to claim 3, Michael discloses the method of claim 2, but is silent wherein the

step of determining the presence state of the PSTN subscriber comprises comparing a current call

state associated with the one telephone line with the stored previous call state associated with the

at least one telephone line.

Tang discloses determining the current presence by comparing a current call state to a

previous call state. In figure 7, the office is recommended as the likely location of the user. This

is determined by comparing the active state of equipment there to the idle state of all other

equipment associated with that particular user.

It would have been obvious to one of ordinary skill in the art at the time of the invention

to determine the presence as taught by Tang in the presence method of Michael because doing so

helps "distributed collaborators work together more smoothly" as taught by Tang in the third

paragraph on page 221 (first page of article).

In regards to claim 5, Michael discloses the method of claim 4, but is silent wherein the

step of displaying further comprises the step of displaying time information as part of said visual

indicia, where the time information is relevant to determining presence of the PSTN subscriber.

Tang discloses visual indicia with time information in figure 6. Figure 6 discloses a

"buddy list" with each user's name, location, time since last activity or current activity, and

current or next appointment time.

It would have been obvious to one of ordinary skill in the art at the time of the invention

to use the buddy list taught by Tang in the presence method of Michael because doing so helps

"distributed collaborators work together more smoothly" as taught by Tang in the third

paragraph on page 221 (first page of article).

In regards to claim 6, Michael modified by Tang discloses the method according to claim

5 wherein the step of displaying time information as part of said visual indicia comprises

displaying the time of the last presence state change (Tang discloses visual indicia with time

information in figure 6. Figure 6 discloses a "buddy list" with each user's name, location, time

since last activity or current activity, and current or next appointment time.)

In regards to claim 7, Michael modified by Tang discloses the method according to claim

5 wherein the step of displaying time information as part of said visual indicia comprises

displaying the time within which the PSTN subscriber is determined to be available for

communications (Tang discloses visual indicia with time information in figure 6. Figure 6

discloses a "buddy list" with each user's name, location, time since last activity or current

activity, and current or next appointment time.).

In regards to claim 10, Michael discloses the method according to claim 1, but is silent

wherein the step of transmitting the second message comprises transmitting second messages

containing the presence state information associated with the at least one of the telephone lines,

wherein the presence state information includes time information.

Tang discloses tracking call timing. Figure 6 shows the active and idle times for a buddy

list. Figure 7 shows the active and idle time for a particular user on the buddy list. Figure 3

discloses an IM message that is displayed with the time the message was sent.

It would have been obvious to one of ordinary skill in the art at the time of the invention

to use the buddy list taught by Tang in the presence method of Michael because doing so helps

"distributed collaborators work together more smoothly" as taught by Tang in the third

paragraph on page 221 (first page of article).

    In regards to claim 11, Michael modified by Tang discloses the method of claim 10

wherein the time information comprises a time when said call event occurred (Tang discloses

tracking call timing. Figure 6 shows the active and idle times for a buddy list. Figure 7 shows

the active and idle time for a particular user on the buddy list. Figure 3 discloses an IM message

that is displayed with the time the message was sent.).

    In regards to claim 12, Michael modified by Tang disclose the method of claim 10

wherein the time information comprises a determined time interval following the occurrence of

the call event during which the PSTN subscriber is defined to be available for communication

(Tang discloses tracking call timing. Figure 6 shows the active and idle times for a buddy list.

Figure 7 shows the active and idle time for a particular user on the buddy list. Figure 3 discloses

an IM message that is displayed with the time the message was sent.).

    In regards to claim 18, Michael modified by Tang discloses the method of claim 5 further

comprising the step of displaying one of a PSTN telephone number and a name of the party with

whom the Pal is having a telephone call (Tang discloses visual indicia with time information in

figure 6. Figure 6 discloses a "buddy list" with each user's name, location, time since last

activity or current activity, and current or next appointment time.).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KERRI M. ROSE whose telephone number is (571) 272-0542. The examiner can normally be reached on Monday through Thursday, 6 am - 3 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung MOE can be reached on (571) 272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aung S. Moe/   /Kerri M Rose/
Supervisory Patent Examiner, Art Unit 2416   Examiner, Art Unit 2416